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**OFFICE OF PETITIONS**

Patterson, Thunte, Skaar & Christensen, P.A.  
4800 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, Minnesota 55402-2100

In re Application of  
Darke  
Application No. 10/517,329  
Filed: December 9, 2004  
Attorney Docket No. 2733.18US01

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:  
: Letter Regarding PTA  
:  
:

This is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," filed June 11, 2007. Applicants disclose that the correct date of entry into the national stage was December 11, 2004 not December 9, 2004. Accordingly, applicants assert that the correct PTA must be two less days.

The request for correction of the patent term adjustment (PTA) is **GRANTED**. The Office will *sua sponte* adjust the PTA determination at the time of the notice of allowance to reflect an actual determination of one hundred days not 102 days.

Patentees are given **thirty (30) days** from the mail date of this decision to respond if they disagree with the decision. No extensions of time will be granted under § 1.136.

Applicants assert that the Office may have erred in granting too much because the applicant entered the national stage on the 30 months from the earliest claim priority. Applicants believe that the amount of PTA awarded under 37 CFR 1.702(a)(1) is not accurate.

Applicants arguments are persuasive. A review of the file reflects that the national stage requirements were fulfilled on December 11, 2004. See Notice of Acceptance of Application under 37 CFR 371 and 37 CFR 1.495. Accordingly, the Office should have granted 131 days for the failure to meet the requirements of 37 CFR 1.702(a)(1).<sup>1</sup> It is further noted that applicants delayed under 37 CFR 1.704(b) by a period of 31 days for the submission of the response to non-final action received by the Office on October 23, 2006.<sup>2</sup> Accordingly, the correct amount of PTA at the time of the mailing of the notice of allowance is **100** (131-31=100) days.

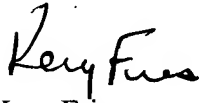
As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

<sup>1</sup>The delay began on February 12, 2006 and ended on June 22, 2006.

<sup>2</sup>The delay began on September 22, 2006 and ended on October 23, 2006, a 31 day delay.

After mailing of this letter, the Office will forward this application to the Office of Patent publication for a prompt issuance of the patent.

Telephone inquiries specific to this matter should be directed to Kery A. Fries, Senior Legal Advisor, at (571) 272-7757

A handwritten signature in black ink that reads "Kery Fries". The signature is written in a cursive, slightly stylized font.

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

cc: Exhibit A-Notice of Acceptance of Application under 37 CFR 371 and 37 CFR 1.495  
Adjusted Pair Calculation

Exh. b. + A



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO. 10/517,329	FIRST NAMED APPLICANT Jason William Darke	ATTY. DOCKET NO. 2733.18US01
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INTERNATIONAL APPLICATION NO. PCT/GB03/02506
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24113  
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 MINNEAPOLIS, MN 55402-2100

I.A. FILING DATE 06/10/2003	PRIORITY DATE 06/11/2002
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CONFIRMATION NO. 2913  
 371 ACCEPTANCE LETTER



Date Mailed: 07/19/2005

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>12/09/2004</u>	<u>12/11/2004</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 12/09/2004
- Copy of the International Search Report filed on 12/09/2004
- Copy of IPE Report filed on 12/09/2004
- Preliminary Amendments filed on 12/09/2004
- Information Disclosure Statements filed on 12/09/2004
- Oath or Declaration filed on 12/09/2004
- U.S. Basic National Fees filed on 12/09/2004
- Priority Documents filed on 12/09/2004
- Specification filed on 12/09/2004
- Claims filed on 12/09/2004
- Drawings filed on 12/09/2004

Day : Saturday  
Date: 9/15/2007

Time: 09:38:27

**PALMINTRANET****PTA Calculations for Application: 10/517329**

Application Filing Date:	12/09/2004	PTO Delay (PTO):	133
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	31
Post-Issue Petitions:	0	Total PTA (days):	100
PTO Delay Adjustment:	-2		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
46	09/15/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		2	
33	03/15/2007	MAIL NOTICE OF ALLOWANCE			
32	03/13/2007	ISSUE REVISION COMPLETED			
31	03/13/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
30	03/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
29	03/06/2007	NOTICE OF ALLOWABILITY			
28	02/28/2007	DATE FORWARDED TO EXAMINER			
27	02/21/2007	AMENDMENT AFTER FINAL REJECTION			
26	02/28/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
25	02/20/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
24	12/21/2006	MAIL FINAL REJECTION (PTOL - 326)			
23	12/19/2006	FINAL REJECTION			
22	10/23/2006	NEW OR ADDITIONAL DRAWING FILED			
21	11/13/2006	DATE FORWARDED TO EXAMINER			
20	10/23/2006	RESPONSE AFTER NON-FINAL ACTION		31	16
19	10/23/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	10/27/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
17	10/18/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
16	06/22/2006	MAIL NON-FINAL REJECTION	133		-1
15	06/21/2006	NON-FINAL REJECTION			
14	12/09/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			

13	11/04/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
12	12/09/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
11	12/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	12/09/2004	REFERENCE CAPTURE ON IDS			
9	12/09/2004	PRELIMINARY AMENDMENT			
8	11/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
7	07/29/2005	TRANSFER INQUIRY TO GAU			
6	07/26/2005	CLEARED BY OIPE CSR			
5	12/11/2004	371 COMPLETION DATE			
4	07/19/2005	APPLICATION DISPATCHED FROM OIPE			
3	07/19/2005	NOTICE OF DO/EO ACCEPTANCE MAILED			
2	07/18/2005	CORRESPONDENCE ADDRESS CHANGE			
1	12/09/2004	INITIAL EXAM TEAM NN			

Search Another: Application#

#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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